SUPREME COURT, U.S.
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Nos. 680, 682, 683, 684, and 685

IN THE

Supreme Court of the United States

OCTOBER TERM, 1970

Nos. 680, *et al.*

CONTINENTAL OIL COMPANY, ET AL.,
Petitioners,

v.

FEDERAL POWER COMMISSION,
Respondent.

On Petitions for Writs of Certiorari to the United States Court of Appeals for the Fifth Circuit

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MEMORANDUM FOR TEXACO INC., *ET AL.*, IN RESPONSE TO PETITIONS IN NOS. 680, 682, 683, 684, and 685

TEXACO INC.
WILLIAM K. TELL, JR.
135 East 42nd Street
New York, New York 10017

JAMES D. ANNETT
ROBERT E. NEWEY
KIRK W. WEINERT
P. O. Box 52332
Houston, Texas 77052

CITIES SERVICE COMPANY
CITIES SERVICE OIL COMPANY
C. C. CAMMACK
Cities Service Oil Company
Oil Center Building
Tulsa, Oklahoma 74102

R. J. LEITHEAD
Cities Service Oil Company
Cities Service Building
Bartlesville, Oklahoma 74003

October 14, 1970

WILSON - EPES PRINTING CO. - RE 7-6002 - WASHINGTON, D. C. 20001

ATLANTIC RICHFIELD COMPANY

EDWARD J. KREMER
P. O. Box 2819
Dallas, Texas 75221

CHARLES E. MCGEE
MCGEE & KETCHAM
1145 19th Street, N.W.
Washington, D. C. 20036

ESTATE OF WILLIAM G. HELIS, A PARTNERSHIP

MORRIS WRIGHT
COBB & WRIGHT
912 Whitney Bank Building
New Orleans, Louisiana 70130

GETTY OIL COMPANY

CLYDE E. WILLBERN
P. O. Box 1404
Houston, Texas 77001

GULF OIL CORPORATION
THE BRITISH AMERICAN OIL PRODUCING COMPANY

WARREN M. SPARKS
B. JAMES MCGRAW
P. O. Box 1589
Tulsa, Oklahoma 74102

HUNT OIL COMPANY
HASSIE HUNT TRUST
H. L. HUNT
WILLIAM HERBERT HUNT TRUST ESTATE
CAROLINE HUNT SANDS
W. H. HUNT
LYDA HUNT—HERBERT TRUSTS
LYDA HUNT—LAMAR TRUSTS
LYDA HUNT—BUNKER TRUSTS
LYDA HUNT—CAROLINE TRUSTS
LYDA HUNT—MARGARET TRUSTS
CLAUDE M. LANGTON, TRUSTEE SECURE TRUSTS
LAMAR HUNT
PLACID OIL COMPANY

ROBERT W. HENDERSON
1401 Elm Street
Dallas, Texas 75202

PAUL W. HICKS
2500 First National Bank Bldg.
Dallas, Texas 75202

LADD PETROLEUM CORPORATION

CARROLL L. GILLIAM
PHILIP R. EHRENKRANZ
GROVE, JASKIEWICZ AND GILLIAM
1730 M Street, N.W.
Washington, D. C. 20036

MARATHON OIL COMPANY

JOSEPH F. DIVER
JACK FARISS
MORTON TAYLOR
539 South Main Street
Findlay, Ohio 45840

MIDWEST OIL COMPANY

JAMES E. BYE
HOLME, ROBERTS & OWEN
1700 Broadway
Denver, Colorado 80202

PAN AMERICAN PETROLEUM CORPORATION

J. P. HAMMOND
T. C. MCCORKLE
P. O. Box 591
Tulsa, Oklahoma 74102

CARROLL L. GILLIAM
GROVE, JASKIEWICZ AND GILLIAM
1730 M Street, N.W.
Washington, D. C. 20036

SAMEDAN OIL CORPORATION

JAMES E. THOMPSON
Suite 302, Lincoln Center
Ardmore, Oklahoma 73401

PHILIP R. EHRENKRANZ
GROVE, JASKIEWICZ AND GILLIAM
1730 M Street, N.W.
Washington, D. C. 20036

SHELL OIL COMPANY

THOMAS G. JOHNSON
Room 1168 - One Shell Plaza
Houston, Texas 77002

SOHIO PETROLEUM COMPANY

RICHARD F. REMMERS
970 1st Nat'l Office Building
Oklahoma City, Oklahoma 73102

SUN OIL COMPANY
STANLEY M. MORLEY
LOUIS FLAX
SHANNON AND MORLEY
1700 K Street, N.W.
Washington, D. C. 20006

TENNECO OIL COMPANY
JOHN E. WATSON
P. O. Box 2511
Houston, Texas 77001

FOREST OIL CORPORATION
RICHARD F. GENERELLY
SHANNON & MORLEY
1700 K. Street, N.W.
Washington, D.C. 20006

GENERAL AMERICAN OIL CO. OF TEXAS
CECIL E. MUNN
CANTEY, HANGER, GOOCH, CRAVENS & MUNN
First National Bank Building
Fort Worth, Texas 76102

AMERADA HESS CORPORATION
JOSEPH W. MORRIS
EDWIN S. NAIL
Post Office Box 2040
Tulsa, Oklahoma 74102

PHILLIPS PETROLEUM COMPANY
KENNETH HEADY
Frank Phillips Building
Bartlesville, Okla. 74004

KERR-McGEE CORPORATION
WILLARD P. SCOTT
DERRILL CODY
Kerr-McGee Building
Oklahoma City, Oklahoma 73102

CABOT CORPORATION
HOMER D. JOHNSON
WILLIAM C. CHARLTON
P. O. Box 1101
Pampa, Texas 79065

GENERAL CRUDE OIL COMPANY
W. MCIVER STREETMAN
ANDREWS, KURTH, CAMPBELL & JONES
Humble Building
Houston, Texas 77002

OCEAN DRILLING & EXPLORATION COMPANY
H. Y. ROWE
200 Jefferson Avenue
El Dorado, Arkansas 71730

UNION OIL COMPANY OF CALIFORNIA
DOUGLAS C. GREGG
GEORGE C. BOND
ROBERT L. HUMPHREY
P. O. Box 7600
Los Angeles, California 90054

E. WILLIAM COLE
Union Oil Company of California
1100 Connecticut Ave., N.W.
Washington, D. C. 20036

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MEMORANDUM FOR TEXACO INC., *ET AL.*, IN RESPONSE TO PETITIONS IN NOS. 680, 682, 683, 684, and 685

Texaco Inc., *et al.*, (Texaco, *et al.*), Respondents in Nos. 669, 691, and 692, and Conditional Cross-Petitioners in No. 681, hereby respond to the petitions in Nos. 680, 682, 683, 684, and 685, ~~which~~ also seek writs of certiorari to review the judgment and opinions entered by the United States Court of Appeals for the Fifth Circuit in this same case on March 19, 1970 and June 16, 1970. In response to these petitions, Texaco, *et al.*, state:

1. In Nos. 669, 691, and 692, Texaco, *et al.*, are filing a brief opposing the petitions on grounds of prematurity and on other grounds specifically directed to questions presented in those petitions. In Nos. 680, 682, 683, 684, and 685, Texaco, *et al.*, also oppose the granting of the

petitions on the grounds of prematurity set forth in their Brief in Opposition in Nos. 669, *et al.*, at pp. 7-11.

2. In the event the petitions in Nos. 680, 682, 683, 684, and 685 were granted, Texaco, *et al.*, would be aligned with the petitioners and not with the Respondent Federal Power Commission. While these five petitions raise several issues not raised by Texaco, *et al.*, these petitions also raise the four questions set forth in the Conditional Cross-Petition filed by Texaco, *et al.*, in No. 681. As to these questions, Texaco, *et al.*, therefore would be aligned on the merits with petitioners in Nos. 680, 682, 683, 684, and 685.

3. In the event the petitions in Nos. 669 and all related cases were granted, Texaco, *et al.*, would not oppose the request of Petitioner The California Company in No. 682 that the case then be "summarily remanded to the Court below with instructions to direct the Commission to reopen the case and proceed to such orders as it deems in the public interest."

Respectfully submitted,

CARROLL L. GILLIAM
GROVE, JASKIEWICZ AND GILLIAM
1730 M Street, N.W.
Washington, D. C. 20036

on behalf of the following named respondents and counsel:

TEXACO INC.
WILLIAM K. TELL, JR.
135 East 42nd Street
New York, New York 10017

JAMES D. ANNETT
ROBERT E. NEWEY
KIRK W. WEINERT
P. O. Box 52332
Houston, Texas 77052

CITIES SERVICE COMPANY
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C. C. CAMMACK
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Cities Service Building
Bartlesville, Oklahoma 74003

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EDWARD J. KREMER
P. O. Box 2819
Dallas, Texas 75221

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COBB & WRIGHT
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B. JAMES MCGRAW
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Dallas, Texas 75202

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2500 First National Bank Bldg.
Dallas, Texas 75202

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GROVE, JASKIEWICZ AND GILLIAM
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Washington, D. C. 20036

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JOSEPH F. DIVER
JACK FARISS
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Findlay, Ohio 45840

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1700 Broadway
Denver, Colorado 80202

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J. P. HAMMOND
T. C. MCCORKLE
P. O. Box 591
Tulsa, Oklahoma 74102

CARROLL L. GILLIAM
GROVE, JASKIEWICZ AND GILLIAM
1730 M Street, N.W.
Washington, D. C. 20036

SAMEDAN OIL CORPORATION
JAMES E. THOMPSON
Suite 302, Lincoln Center
Ardmore, Oklahoma 73401

PHILIP R. EHRENKRANZ
GROVE, JASKIEWICZ AND GILLIAM
1730 M Street, N.W.
Washington, D. C. 20036

SHELL OIL COMPANY
THOMAS G. JOHNSON
Room 1168 - One Shell Plaza
Houston, Texas 77002

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970 1st Nat'l Office Building
Oklahoma City, Oklahoma 73102

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STANLEY M. MORLEY
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Washington, D.C. 20006

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Fort Worth, Texas 76102

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EDWIN S. NAIL
Post Office Box 2040
Tulsa, Oklahoma 74102

PHILLIPS PETROLEUM COMPANY
KENNETH HEADY
Frank Phillips Building
Bartlesville, Okla. 74004

KERR-McGEE CORPORATION
WILLARD P. SCOTT
DERRILL CODY
Kerr-McGee Building
Oklahoma City, Oklahoma 73102

CABOT CORPORATION
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WILLIAM C. CHARLTON
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Pampa, Texas 79065

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Humble Building
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El Dorado, Arkansas 71730

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ROBERT L. HUMPHREY
P. O. Box 7600
Los Angeles, California 90054

E. WILLIAM COLE
Union Oil Company of California
1100 Connecticut Ave., N.W.
Washington, D. C. 20036

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